



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

IN THE MATTER OF:

**Joseph Aldama**

Proceeding Under Section 106(a)  
of the Comprehensive Environmental,  
Response, Compensation and Liability  
Act of 1980, 42 U.S.C. Section 9606(a)

U.S. EPA Docket No. 2004-23

**UNILATERAL ADMINISTRATIVE  
ORDER FOR THE PERFORMANCE  
OF A REMOVAL ACTION**

**I. AUTHORITY**

This Unilateral Administrative Order ("Order") is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, and the Small Business Liability Relief and Brownfields Revitalization Act of 2002 ("CERCLA"). The President delegated this authority to the Administrator of the United States Environmental Protection Agency ("EPA" or "Agency") by Executive Order 12580, January 23, 1987, 52 Fed. Reg. 2923, and further delegated it to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B. This authority has been

duly redelegated to the Branch Chief, Superfund Division, EPA Region 9 ("Chief"), by delegation dated November 16, 2001.

## **II. PARTIES BOUND**

1. This Order shall apply to and be binding on the following: Joseph Aldama ("Aldama" or "Respondent"), in his individual and personal capacity. This Order shall be binding on Respondent and his agents, successors and assigns. No change in ownership or operational status will alter Respondent's obligations under this Order. Notwithstanding the terms of any contract or agreement, Respondent is responsible for compliance with this Order and for ensuring that his employees, contractors, and agents comply with this Order. Respondent shall provide a copy of this Order to all contractors, subcontractors, and consultants that are retained by Respondent to perform the work required by this Order within three (3) days after the Effective Date of this Order or within three (3) days of retaining their services, whichever is later.

2. Respondent may not convey any title, easement, or other interest he may have, in any property comprising the Site, as the term "Site" is defined below, without a provision permitting the continuous implementation of the provisions of this Order. If Respondent wishes to transfer any title, easement, or other interest he may have in any property comprising the Site, Respondent shall provide a copy of this Order to any subsequent owner(s) or successor(s) before any ownership rights are transferred. In such case, Respondent shall advise EPA one (1) month in advance of any anticipated transfer of interest.

## **III. DEFINITIONS**

3. Unless otherwise expressly provided herein, the terms used in this Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations. Whenever the terms listed below are used

in this Order, or in any exhibits attached hereto and incorporated hereunder, the following definitions shall apply:

"Days" shall mean consecutive calendar days unless expressly stated otherwise.

"Working days" shall mean consecutive calendar days other than a Saturday, Sunday, or federal holiday. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next working day.

"CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 and by the Small Business Liability Relief and Brownfields Revitalization Act of 2002, 42 U.S.C. § 9601 et seq.

"Unilateral Order" or "Order" shall mean this Unilateral Administrative Order, EPA docket number 2004-23, and all exhibits attached hereto. In the event of a conflict between this Order and any exhibit, this Order shall control.

"EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

"National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300.

"Paragraph" shall mean a portion of this Order identified by an Arabic numeral.

"Response Action" shall be those specific work items Respondent is required to perform at the Site pursuant to this Order, as set forth in Section IX of this Order.

"Respondent" shall mean Joseph Aldama.

"Section" shall mean a portion of this Order identified by a Roman numeral, unless otherwise stated.

"Site" shall mean that real property located at 1256 and 1250 East 57<sup>th</sup> Street, Los Angeles, California, including structures and personal property located on the real property.

"State" shall mean the State of California, and all of its political subdivisions, including the California Department of Toxic Substances Control ("DTSC").

"United States" shall mean the United States of America.

#### **IV. FINDINGS OF FACT**

##### **4. Site Description**

D & M Polishing & Plating ("D & M"), a metal polishing and plating facility, operated at 1256 and 1250 East 57<sup>th</sup> Street, Los Angeles, California from 1979 to 1990. While in operation, D & M used electroplating methods to restore antique cars, motorcycles and other metallic items. The Site is located in a densely populated residential neighborhood and is bounded on the east and west by single and multi-family residences. Site access is partially restricted by a chain link fence and a locked gate. However, pedestrian access is available, since evidence of human activity has been observed in the storage area.

##### **5. Site characteristics and ownership**

The former D & M facility on the Site consists of a building of approximately 4,200 square feet located on the southern end of an 80 by 135 feet parcel. An asphalt driveway is located on the northern portion of the Site. The building was constructed in the 1920's. The D & M facility has been non-operational and abandoned since 1990. The current owner of the real property is Joseph Aldama. Aldama's brother-in-law, Joseph Navarro, owned and operated D & M and maintained control over operations at D & M during its years of operation, including decisions

regarding the method or means of hazardous substance transportation, delivery, storage, disposal and abandonment. Joseph Navarro is deceased. D & M ceased operating in 1990.

#### 6. Release characteristics

Containerized solid and liquid plating wastes, in addition to plating wastes directly on the floor, are present in various locations throughout the building. At least 40 of the waste containers are in poor condition, and some of the containers are compromised. Site wastes include hazardous wastes, including heavy metals and liquid corrosive wastes. Concentrations of metals in the plating wastes exceed California Total Threshold Limit values, including chromium at 179,000 mg/kg, copper at 60,000 mg/kg, lead at 8,120 mg/kg and nickel at 87,700 mg/kg. A chromium sample exceeded the Resource Conservation and Recovery Act ("RCRA") Toxic Characteristic Leaching Procedure waste threshold for chromium (5 mg/L) with a value of 879 mg/L. Liquid wastes have been detected at the Site which exhibit the RCRA hazardous waste characteristic of corrosivity under 40 C.F.R. Part 261.22. Site soils exceed EPA Region 9 Residential Preliminary Remediation Goals ("PRGs") for heavy metals, including the PRG for chromium in the southern area of the front yard and the PRG for lead in the front yard, polishing area, and the hazardous materials storage yard. Further details regarding Site conditions are set out in the Memorandum "Request for a Time-Critical Removal Action at the Navarro Property Site" (the "Action Memorandum"), attached and incorporated into this Order as Appendix A. The D & M facility is currently non-operational, and all hazardous substances located on the Site have been abandoned. The Site poses an imminent and substantial endangerment to human health and the environment due to current releases and threats of release of hazardous substances.

## **V. CONCLUSIONS OF LAW**

7. The Site is a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

8. Respondent is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

9. Respondent owns title to the subject real property. Respondent is "liable" within the meaning of Section 107(a)(1), 42 U.S.C. § 9607(a)(1), and is subject to this Order under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

10. Chromium, copper, lead and nickel are "hazardous substances," as that term is defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). Hazardous substances disposed, leaking or threatening to leak from deteriorated containers at the abandoned Site constitute a "release," as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

11. The actual or threatened release of hazardous substances from the Site constitutes an imminent and substantial endangerment to the public health or welfare or the environment, within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

## **VI. DETERMINATIONS**

Based on the Findings of Fact and the Conclusions of Law stated herein, the Chief has made the following determinations:

12. That an actual or threatened release of hazardous substances from the Site presents an imminent and substantial endangerment to the public health or welfare or the environment.

13. That conditions at the Site constitute a threat to public health or welfare or the environment based on consideration of the factors set forth in the NCP at 40 C.F.R. § 300.415(b),

and that the actions required by this Order are necessary to protect the public health or welfare or the environment.

14. That the actions required by this Order, if properly performed, will be consistent with the NCP, and are appropriate to protect the public health or welfare or the environment.

#### **VII. NOTICE TO THE STATE**

15. Pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), EPA has notified the State and the city of Los Angeles of the issuance of this Order by providing a copy of this Order.

#### **VIII. EFFECTIVE DATE**

16. This Order is deemed effective three days after receipt (the "Effective Date"), unless a conference is requested as provided herein. If such a conference is requested, this Order shall be effective the second (2nd) day following the day of such conference unless modified in writing by EPA.

#### **IX. ORDER**

17. Based on the Findings of Fact, Conclusions of Law, and Determinations, EPA hereby orders Respondent to perform the specific work set forth below under the direction of the EPA On Scene Coordinator (OSC), as designated in Section XIV, and to comply with all requirements of this Order until EPA provides notice that the Response Action is complete.

##### **A. Work to be Performed**

18. Respondent shall immediately restrict access to the Site and shall not allow any materials, equipment, or any other items to be removed from the Site without prior EPA approval.

19. Within three (3) days after the Effective Date of this Order, Respondent shall

submit to EPA for approval a Work Plan for the removal of hazardous substances from the Site.

The Work Plan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order, and shall include a proposed schedule for implementing and completing such activities. The Work Plan shall comply with the guidelines for preparation provided in Paragraph 21, below, and, at a minimum, shall require Respondent to perform and complete the following removal activities within ten (10) days after EPA approves the Work Plan pursuant to Paragraphs 21 and 24 of this Order:

- a) Immediately provide security and restrict access to the Site, and prevent any materials, equipment or other items from being removed from the Site without prior EPA approval;
- b) Identify all chemical compounds in all vats and other containers, to include sampling and analysis of unknown chemicals and all chemicals in containers without labels or with illegible labels;
- c) Characterize, containerize and secure all of the spilled material encountered in the on-Site building and other structures;
- d) Segregate all hazardous substances to ensure that incompatible substances do not pose a threat of violent reaction, fire, or explosion;
- e) Remove any remaining grossly contaminated equipment, structures, and debris for proper disposal or other disposition. Remove non-hazardous materials and debris to the appropriate solid waste disposal facility or recycling facility, or return such materials to the appropriate distributor or manufacturer;
- f) Perform air monitoring and sampling in accordance with Occupational Safety and Health Administration ("OSHA") regulations during appropriate phases of the



removal action, especially when there is a potential for airborne releases of toxic air contaminants. Use operational controls such as dust containment or suppression to abate fugitive dust emissions. A project Health and Safety Plan meeting OSHA's criteria at 29 C.F.R. Part 1910.120 must be maintained on-Site at all times;

- g) Conduct surface and subsurface soil sampling to determine the full nature and extent of soil contamination. Dispose of, stabilize, or treat grossly contaminated concrete, asphalt and/or soils found at or near the surface at the direction of the OSC;
  - h) Properly containerize into UN specification packagings, transport and dispose of, in accordance with all applicable or appropriate regulations, all hazardous substances at the Site or, where feasible, implement alternative treatment or reuse/recycling options. Each transfer of hazardous substances, pollutants or contaminants off-Site must be consistent with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and the EPA "Procedures for planning and implementing off-Site response actions," promulgated at 40 C.F.R. Part 300.440;
  - i) Provide EPA with copies of all documentation related to off-Site disposal or other disposition of wastes including, but not limited to, manifests, waste profiles and analytical data and disposal costs;
  - j) Notify the EPA OSC at least twenty-four (24) hours prior to commencement of any on-Site work. Notify the EPA OSC at least forty-eight (48) hours prior to disposal or other disposition of wastes.
20. Within three (3) days of the Effective Date of this Order, Respondent shall

provide EPA with documentation that adequately demonstrates his financial ability to complete the work to be performed pursuant to this Order. Examples of adequate financial documentation that EPA may accept include, but are not limited to, a signed contract or guarantee on the part of Respondent's contractor that it will complete the work to be performed, a letter of credit from a financial institution, or an escrow account for work to be performed.

21. The Work Plan required in Paragraph 19 shall be reviewed by EPA, which may approve, disapprove, require revisions, or modify the Work Plan. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order.

Respondent shall implement all work plans as finally approved by the EPA. In addition to the requirements listed in Paragraph 19, the Work Plan shall include:

- a) A Health & Safety Plan, prepared in accordance with EPA's Superfund Standard Operating Safety Guide, dated June 1992, which complies with all current OSHA regulations applicable to Hazardous Waste Operations and Emergency Response, 29 C.F.R. Part 1910. Respondent shall incorporate all changes to the Health & Safety Plan recommended by EPA and implement the Health & Safety Plan throughout the performance of the removal action; and
- b) A Quality Assurance Project Plan ("QAPP") that is consistent with EPA Guidance for Quality Assurance Project Plans (EPA QA/G-5); Preparation of a U.S. EPA Region 9 Field Sample Plan for EPA-Lead Superfund Projects (Document Control No.: 9QA-05-93); and Guidance for the Data Quality Objectives Process (EPA QA/G-4).

22. Respondent shall provide EPA with written weekly summary reports. These reports should contain a summary of the previous week's activities to comply with this Order and anticipated activities toward compliance with this Order. Within fifteen (15) days after

completing the Response Action, Respondent shall provide EPA with a final summary report, which shall include all invoices submitted by contractors (which shall identify specific work performed), and copies of all analytical data generated during the response action.

23. All documents, including technical reports, and other correspondence to be submitted by the Respondent pursuant to this Order, shall be sent by over-night mail to the following addressees or to such other addressees as EPA hereafter may designate in writing, and shall be deemed submitted on the date received by EPA.

Craig Benson, Federal On-Scene Coordinator  
US Environmental Protection Agency  
c/o California State Lands Commission  
Marine Facilities Division  
200 OceanGate, Suite 900  
Long Beach, CA 90802

Respondent shall submit two (2) copies of each document to EPA.

24. EPA shall review, comment, and approve or disapprove each plan, report, or other deliverable submitted by Respondent. All EPA comments on draft deliverables shall be incorporated by Respondent. EPA shall notify Respondent in writing of EPA's approval or disapproval of a final deliverable. In the event of any disapproval, EPA shall specify the reasons for such disapproval, EPA's required modifications, and a time frame for submission of the revised report, document, or deliverable. If the modified report, document or deliverable is again disapproved by EPA, EPA first shall notify Respondent of its disapproval of the resubmitted report, document, or deliverable, and then may draft its own report, document or deliverable and incorporate it as part of this Order, may seek penalties from Respondent for failing to comply with this Order, and may conduct the remaining work required by this Order and seek to recover costs from Respondent.

25. For purposes of this Order, EPA's authorized representatives shall include, but not be limited to, consultants and contractors hired by EPA to oversee the activities required by this Order.

B. Selection of Contractor(s) and Subcontractor(s)

26. All work performed by or on behalf of Respondent pursuant to this Order shall be performed by qualified individuals or contractors with expertise in hazardous waste site investigation or remediation, unless agreed otherwise by EPA. Respondent shall, within three (3) days after the Effective Date of this Order, notify EPA in writing of the name, title and qualifications of the individual(s) who will be responsible for carrying out the terms of this Order, and the name(s) of any contractor(s) or subcontractor(s). The qualifications of the persons, contractors, and subcontractors undertaking the work for Respondent shall be subject to EPA review and approval.

27. If EPA disapproves of any person's or contractor's technical or work-experience qualifications, EPA will notify Respondent in writing. Respondent shall, within five (5) working days of Respondent's receipt of EPA's written notice, notify EPA of the identity and qualifications of the replacement(s). Should EPA disapprove of the proposed replacement(s), Respondent shall be deemed to have failed to comply with the Order.

28. Respondent may propose to change the individual(s), contractor(s), or subcontractor(s) retained to direct and supervise the work required by this Order. If Respondent wishes to propose such a change, Respondent shall notify EPA in writing of the name, title, and qualifications of the proposed individual(s), proposed contractor(s), or proposed subcontractor(s), and such individual(s), contractor(s) or subcontractor(s) shall be subject to approval by EPA in accordance with the terms of Paragraphs 26 and 27, above. The naming of any replacement(s) by

Respondent shall not extend any deadlines required by this Order nor relieve Respondent of any of its obligations to perform the work required by this Order.

29. Respondent will notify EPA of its field activities at least twenty-four (24) hours before initiating them so that EPA may adequately schedule oversight tasks.

30. At least five (5) days prior to commencing any work at the Site pursuant to this Order, Respondent shall submit to EPA a certification that Respondent or its contractor(s) and subcontractor(s) have adequate insurance coverage or other ability, subject to approval of EPA, to compensate for liabilities for injuries or damages to persons or property that may result from the activities to be conducted by or on behalf of Respondent pursuant to this Order. Adequate insurance shall include comprehensive general liability insurance and automobile insurance with limits of one million dollars, combined single limit. If Respondent demonstrates by evidence satisfactory to EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering the same risks but in a lesser amount, then Respondent need provide only that portion of the insurance described above that is not maintained by such contractor or subcontractor. Respondent shall ensure that such insurance or indemnification is maintained for the duration of performance of the work required by this Order. Respondent shall ensure that the United States is named as an additional insured on any such insurance policies.

C. General Provisions:

31. All work required by this Order shall be conducted in accordance with: CERCLA; the NCP; EPA Region 9 "Guidance for Preparing Quality Assurance Project Plans for Superfund Remedial Projects" (EPA, November 1992); any final amended or superseding versions of such documents provided by EPA; other applicable EPA guidance documents; and any report, document or deliverable prepared by EPA because Respondent failed to comply with this Order.

32. All plans, schedules, and other reports that require EPA's approval and are required to be submitted by Respondent pursuant to this Order shall, after approval by EPA, be incorporated into and enforceable under this Order.

33. EPA will oversee Respondent's activities as specified in Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1). Respondent will support EPA's initiation and implementation of activities needed to carry out its oversight responsibilities. Respondent also shall cooperate and coordinate the performance of all work required to be performed under this Order with all other work being performed at the Site, including work performed by EPA, the State, or any other party performing work at the site with the approval of EPA.

34. Respondent shall undertake all actions required by this Order in accordance with the requirements of all applicable local, state, and federal laws and regulations unless an exemption from such requirements is specifically provided under CERCLA or unless Respondent obtains a variance or exemption from the appropriate governmental authority.

#### **X. NOTICE OF INTENT TO COMPLY**

35. Respondent shall, within two (2) working days of the Effective Date of this Order, provide written notice to EPA of Respondent's irrevocable intent to comply with this Order. Failure to respond, or failure to agree to comply with this Order, shall be deemed a refusal to comply with this Order.

#### **XI. OPPORTUNITY TO CONFER**

36. Respondent may, within two (2) days of receipt of this Order, request a conference with the Branch Chief of the Response, Planning and Assessment Branch in the EPA Region 9 - Superfund Division, or whomever the Branch Chief may designate. If requested, the conference shall occur within three (3) days of the request, unless extended by mutual agreement of the

Parties, at EPA's Regional Office, 75 Hawthorne Street, San Francisco, California.

37. At any conference held pursuant to Respondent's request, Respondent may appear in person, or be represented by an attorney or other representative. If Respondent desires such a conference, Respondent shall contact James Collins, EPA Attorney Advisor, at (415) 972-3894.

38. The purpose and scope of any such conference held pursuant to this Order shall be limited to issues involving the implementation of the Response Action required by this Order and the extent to which Respondent intends to comply with this Order. If such a conference is held, Respondent may present any evidence, arguments or comments regarding this Order, its applicability, any factual determinations on which the Order is based, the appropriateness of any action that Respondent is ordered to take, or any other relevant and material issue. Any such evidence, arguments or comments should be reduced to writing and submitted to EPA within three (3) days following the conference. This conference is not an evidentiary hearing, and does not constitute a proceeding to challenge this Order. It does not give Respondent a right to seek review of this Order, or to seek resolution of potential liability, and no official record of the conference will be made. If no conference is requested, any such evidence, arguments or comments must be submitted in writing within three (3) days following the Effective Date of this Order. Any such writing should be directed to James Collins, at the following address:

Environmental Protection Agency  
75 Hawthorne Street, ORC-3  
San Francisco, CA 94105

39. Respondent is hereby placed on notice that EPA will take any action that may be necessary in the opinion of EPA for the protection of public health and welfare and the environment, and Respondent may be liable for the costs of those actions under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

## **XII. ENDANGERMENT AND EMERGENCY RESPONSE**

40. In the event of any action or occurrence during the performance of the work that causes or threatens to cause a release of a hazardous substance or that may present an immediate threat to public health or welfare or the environment, Respondent shall immediately take all appropriate action(s) to prevent, abate, or minimize the threat, and shall immediately notify EPA's primary OSC, or, if the primary OSC is unavailable, EPA's alternate OSC, as designated below in Paragraph 46. If neither of these persons is available, Respondent shall notify the EPA Emergency Response Unit, Region 9, by calling (415) 947-4400. Respondent shall take such action(s) in consultation with EPA's OSC and in accordance with all applicable provisions of this Order, including but not limited to the Health & Safety Plan.

41. Nothing in the preceding Paragraph shall be deemed to limit any authority of the United States to take, direct, or order all appropriate action to protect human health and the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances at or from the Site.

## **XIII. MODIFICATION OF WORK REQUIRED**

42. In the event of unanticipated or changed circumstances at the Site, Respondent shall notify the EPA OSC by telephone within twenty-four (24) hours of discovery of the unanticipated or changed circumstances. This verbal notification shall be followed by written notification postmarked no later than three (3) days of discovery of the unanticipated or changed circumstances.

43. The Chief may determine that in addition to tasks addressed herein, additional work may be required to address the unanticipated or changed circumstances referred to in Paragraphs 40 and 42. Where consistent with Section 106(a) of CERCLA, the Chief may direct,



as an amendment to this Order, that Respondent perform these tasks in addition to those required herein. Respondent shall implement the additional tasks that the Chief identifies. The additional work shall be completed according to the standards, specifications, and schedules set forth by the Chief in any modifications to this Order.

#### **XIV. DESIGNATED PROJECT MANAGERS**

44. EPA designates Craig Benson, an employee of EPA Region 9, as its primary OSC and designated representative at the Site, who shall have the authorities, duties, and responsibilities vested in the OSC by the NCP. This includes, but is not limited to, the authority to halt, modify, conduct, or direct any tasks required by this Order or undertake the Response Action (or portions of the Response Action) when conditions at the Site present or may present a threat to public health or welfare or the environment as set forth in the NCP. Within three (3) days of the Effective Date of this Order, Respondent shall designate a Project Coordinator who shall be responsible for overseeing Respondent's implementation of this Order. To the maximum extent possible, all oral communications between Respondent and EPA concerning the activities performed pursuant to this Order shall be directed through EPA's OSC and Respondent's Project Coordinator. All documents, including progress and technical reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be delivered in accordance with Paragraph 23, above.

45. EPA and Respondent may change their respective OSC and Project Coordinator. Notification of such a change shall be made by notifying the other party in writing at least five (5) days prior to the change, except in the case of an emergency, in which case notification shall be made orally followed by written notification as soon as possible.

46. Consistent with the provisions of this Order, the EPA designates John Jaros as an

alternate OSC, in the event Craig Benson is not present at the Site or is otherwise unavailable.

During such times, John Jaros shall have the authority vested in the OSC by the NCP, as set forth in Paragraph 44 above.

47. The absence of the EPA OSC from the Site shall not be cause for the stoppage of work. Nothing in this Order shall limit the authority of the EPA OSC under federal law.

#### **XV. SITE ACCESS**

48. Respondent shall permit EPA and its authorized representatives to have access at all times to the Site to monitor any activity conducted pursuant to this Order and to conduct such tests or investigations as EPA deems necessary. Nothing in this Order shall be deemed a limit on EPA's authority under federal law to gain access to the Site.

49. To the extent that Respondent requires access to land other than land that it owns to carry out the terms of this Order, Respondent shall, within ten (10) days of the Effective Date of this Order, obtain access for: EPA, its contractors, oversight officials, or other authorized representatives; state oversight officials and state contractors; and Respondent and its authorized representatives. If Respondent fails to gain access within ten (10) days, he shall continue to use best efforts to obtain access until access is granted. For purposes of this Paragraph, "best efforts" include, but are not limited to, the payment of money as consideration for access. If access is not provided within the time referenced above, EPA may obtain access under Sections 104(e) or 106(a) of CERCLA and recover any costs incurred pursuant to Section XVI of this Order.

#### **XVI. REIMBURSEMENT OF OVERSIGHT COSTS**

50. Respondent shall reimburse EPA, on written demand, for all response costs incurred by the United States in overseeing Respondent's implementation of the requirements of this Order. EPA may submit to Respondent on a periodic basis a bill for all response costs

incurred by the United States with respect to this Order. Respondent shall, within thirty (30) days of receipt of the bill, remit by cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency, Cincinnati Accounting Operations  
Attn: Region 9 Receivables  
P.O. Box 371099M  
Pittsburgh, PA 15251

Respondent shall send a cover letter with any check and the letter shall identify the Site by name ("D & M Site"), the Site ID# (09LU) and make reference to this Order, including the EPA docket number stated above. Respondent shall send simultaneously to the EPA OSC notification of any amount paid, including a photocopy of the check.

51. Interest at the rate established under Section 107(a) of CERCLA shall begin to accrue on the unpaid balance from the day of the original demand notwithstanding any dispute or objection to any portion of the costs.

#### **XVII. DELAY IN PERFORMANCE**

52. Any delay in the performance of any requirement of this Order that, in EPA's sole judgment and discretion, is not properly justified by Respondent under the terms of this Section shall be considered a violation of this Order. Any delay in performance of any requirement of this Order shall not affect any other obligation of Respondent under the terms and conditions of this Order.

53. Respondent shall notify EPA of any delay or anticipated delay in performing any requirement of this Order. Such notification shall be made by telephone to EPA's primary OSC within twenty-four (24) hours after Respondent first knew or should have known that a delay might occur. Respondent shall adopt all reasonable measures to avoid or minimize any such

delay. Within three (3) days after notifying EPA by telephone, Respondent shall provide written notification fully describing the nature of the delay, any justification for delay, any reason why Respondent should not be held strictly accountable for failing to comply with any relevant requirements of this Order, the measures planned and taken to minimize the delay, and a schedule for implementing the measures that will be taken to mitigate the effect of the delay. Increased costs or expenses associated with implementation of the activities called for in this Order are not justifications for any delay in performance.

54. If Respondent is unable to perform any activity or submit any document within the time required under this Order, Respondent may, prior to the expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay. The submission of an extension request shall not itself affect or extend the time to perform any of Respondent's obligations under this Order.

55. If EPA determines that good cause exists for an extension of time, it may grant a request made by Respondent pursuant to Paragraph 54 above, and specify in writing to Respondent the new schedule for completion of the activity or submission of the document for which the extension was requested.

#### **XVIII. RECORD PRESERVATION**

56. Respondent shall maintain, during the pendency of this Order, and for a minimum of five (5) years after EPA provides notice to Respondent that the work has been completed, a depository of the records and documents required to be prepared under this Order. In addition, Respondent shall retain copies of the most recent version of all documents that relate to hazardous substances at the Site and that are in his possession or in the possession of his employees, agents, contractors, or attorneys. After this five-year period, Respondent shall notify

EPA at least thirty (30) days before the documents are scheduled to be destroyed. If EPA so requests, Respondent shall provide these documents to EPA.

### **XIX. ENFORCEMENT AND RESERVATIONS**

57. EPA reserves the right to bring an action against Respondent under Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any response costs incurred by the United States related to this Order or otherwise incurred at the Site and not reimbursed by Respondent. This reservation shall include but not be limited to past costs, direct costs, indirect costs, the costs of oversight, the costs of compiling the cost documentation to support oversight costs, as well as accrued interest as provided in Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

58. Notwithstanding any other provision of this Order, at any time during the Response Action, EPA may perform its own studies, complete the Response Action (or any portion of the Response Action) and seek reimbursement from Respondent for its costs, or seek any other appropriate relief.

59. Nothing in this Order shall preclude EPA from taking any additional enforcement action, including modification of this Order or issuance of additional Orders, or additional remedial or removal actions as EPA may deem necessary, or from requiring Respondent in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. § 9607(a), et seq., or any other applicable law. Respondent may be liable under CERCLA Section 107(a) for the costs of any such additional actions.

60. Notwithstanding any provision of this Order, the United States hereby retains all of its information gathering, inspection and enforcement authorities and rights under CERCLA, the Resource Conservation and Recovery Act, or any other applicable statutes or regulations.

61. Notwithstanding compliance with the terms of this Order, including the

completion of the EPA-approved Response Action, Respondent is not released from liability, if any, for any enforcement actions beyond the terms of this Order taken by EPA.

62. EPA reserves the right to take any enforcement action pursuant to CERCLA or any other legal authority, including the right to seek injunctive relief, monetary penalties, reimbursement of response costs, and punitive damages for any violation of law or this Order.

63. EPA expressly reserves all rights and defenses that it may have, including the EPA's right both to disapprove of work performed by Respondent and to request Respondent to perform tasks in addition to those detailed in Section IX of this Order.

64. This Order does not release Respondent from any claim, cause of action or demand in law or equity, including, but not limited to, any claim, cause of action, or demand that lawfully may be asserted by representatives of the United States or the State.

65. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by Respondent will be construed as relieving Respondent of his obligation to obtain such formal approval as may be required by this Order.

## **XX. SEVERABILITY**

66. If any provision or authority of this Order or the application of this Order to any circumstance is held by a court to be invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby, and the remainder of this Order shall remain in force.

## **XXI. DISCLAIMER**

67. The United States, by issuance of this Order, assumes no liability for any injuries or damages to persons or property resulting from acts or omissions by Respondent, or his

employees, agents, successors, assigns, contractors, or consultants in carrying out any action or activity pursuant to this Order. Neither EPA nor the United States shall be held as a party to any contract entered into by Respondent, or his employees, agents, successors, assigns, contractors, or consultants in carrying out any action or activity pursuant to this Order. This Order does not constitute a pre-authorization of funds under section 111(a)(2) of CERCLA, 42 U.S.C.

§ 9611(a)(2).

## **XXII. PENALTIES FOR NONCOMPLIANCE**

68. Respondent is advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. § 9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondent to a civil penalty of up to \$32,500 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject Respondent to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the failure of Respondent to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

## **XXIII. TERMINATION AND SATISFACTION**

69. The provisions of this Order shall be deemed satisfied on Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that all of the terms of this Order, including any additional tasks that EPA has determined to be necessary, have been completed.

[Signature on following page.]

Unilateral Administrative Order No. 2004-23

IT IS SO ORDERED:

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

By: 

Daniel A. Meer  
Chief, Response, Planning and Assessment Branch  
EPA, Region 9

Date: 20 May 2004



EPA Region 9 Contacts:

Craig Benson, Federal On-Scene Coordinator

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John Jaros  
Investigations & Enforcement  
Superfund Division, SFD-6  
EPA, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972 3058

James Collins, Assistant Regional Counsel  
Office of Regional Counsel, ORC-3  
EPA, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3894

## **APPENDIX A**

### **Memorandum: Request for a Time-Critical Removal Action At the Navarro Property Plating Shop, Los Angeles, Los Angeles County, California**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

**DATE:** MAY 20 2004

**SUBJECT:** Request for a Time-Critical Removal Action at the Navarro Property Plating Shop, Los Angeles, Los Angeles County, California

**FROM:** Craig Benson, On-Scene Coordinator *John Small, Jr.*  
Emergency Response Section (SFD-9-2)

**TO:** Daniel Meer, Chief  
Response, Planning & Assessment Branch (SFD-9)

**THROUGH:** Peter Guria, Chief *John Small, Jr.*  
Emergency Response Section (SFD-9-2)

**I. PURPOSE**

The purpose of this Action Memorandum is to obtain approval to spend up to \$112,006 in direct and extramural costs to mitigate threats to human health and the environment posed by uncontrolled hazardous substances in containers, soils, and building materials associated with this abandoned metal plating and polishing facility located at the Navarro Property Site ("Site"). The Site is located at 1256 East 57<sup>th</sup> Street in the City and County of Los Angeles, California [90011]. The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR § 300.415.

**II. SITE CONDITIONS AND BACKGROUND**

Site Status: Non-NPL  
Category of Removal: Time-Critical  
CERCLIS ID: CAN000905753  
SITE ID: 09LU

## **A. Site Description**

### **1. Physical location**

The Site is located at 1256 East 57<sup>th</sup> Street in Los Angeles, Los Angeles County, California. The Site occupies a double lot which includes adjacent 1250 East 57<sup>th</sup> Street. The coordinates of the Site are N 33° 59' 26", W 118° 15' 11".

### **2. Site characteristics**

The Site is located in a densely populated residential neighborhood and is bound to the east and west by single and multi-family residences, to the north by 57<sup>th</sup> Street, beyond which are residences, and to the south by a dirt alley, beyond which are residences. An approximate 4200 square foot building, constructed in the 1920's, is located on the southern end of the 80 by 135 foot parcel. An asphalt driveway and exposed soils are located on the northern portion of the Site. The Site is secured by chain-link fencing on the east and west, a wrought-iron fence on the north, and the building wall on the south.

Historic records indicate that a wire works and an iron and wire warehouse operated at the Site from at least 1922 through the 1960's. During this time, portions of the Site building were unpaved and Site operations may have released solvents into the Site soils. A metal plating shop was reported to have been operating at the facility in the 1960's and 1970's and D&M Polishing and Plating, a metal polishing and plating facility, began operating at the Site in 1979.

D&M Polishing and Plating reportedly paved some areas of the floor when it took over ownership; work activities included polishing and plating of copper, nickel, and chrome metals. D&M Polishing and Plating was a partnership among Mr. and Mrs. Michael Navarro and Mr. and Mrs. Joseph Aldama. According to Mr. Aldama, Mr. Navarro operated the business and Mr. Aldama provided capital to his brother-in-law, Mr. Navarro, as needed. Mr. Aldama became the sole owner in 2001 when all other partners were deceased.

D&M Polishing and Plating ceased operations in approximately 1989 or 1990. No Site activities were reported between 1991 and 2003. An automobile dismantling shop operated illegally at the Site for a few weeks in 2003 before being closed down by local law enforcement. Although no longer active, much of the setup for the polishing and plating operation is still in place along with residual plating solutions, sludges and contaminated infrastructure. The polishing area is in the west part of the building, and the plating area is in the east part of the building (see Appendix 1, Figures 2 and 3).

### **3. Removal site evaluation**

The Site had been referred to the California Department of Toxic Substances Control ("DTSC"), Emergency Response Program for emergency removal work by DTSC's Statewide Cleanup Operations Division. The DTSC Emergency Response Program, in turn, requested U.S. EPA Emergency Response Section participation in a site visit on April 13, 2004. The April 13th inspection included On-Scene Coordinator ("OSC") C. Benson, members of the Superfund Technical Assessment and Response Team ("START"), DTSC staff and the current property owner, Joseph Aldama.

During the April 13, 2004 inspection, containerized solid and liquid plating waste material was observed on-site in addition to plating waste solids directly on the floor in various locations throughout the building. At least 40 containers were recorded and observed to be in poor condition and some containers were compromised. Field screening data was collected and used to support the selection of samples for off-site laboratory analysis. The main objective of this sampling event was to document the presence of hazardous substances in select containers, exposed soils and plating waste solids scattered across the facility and determine the major constituents of interest at the Site. A total of twelve samples were collected and submitted for U.S. EPA approved analysis of heavy metals and pH. "Figure 4 and Table 2" in Appendix 2 illustrates the April 13<sup>th</sup> sample locations and summary analytical findings for the key analytes of concern.

Based on the conditions observed, OSC Benson gave Mr. Aldama a verbal CERCLA General Notice on April 13, 2004. Mr. Aldama stated that he was retired and of limited funds. OSC Benson arranged for Mr. Aldama to meet with John Jaros, U.S. EPA Civil Investigator, at the Site on April 15, 2004 to further discuss his liability and options. Mr. Aldama declined split samples for any U.S. EPA sampling event and provided a key to the fence and office locks to the START for future access.

On April 15, 2004, U.S. EPA received a Request for Federal Action from DTSC to complete removal activities at this Site. A copy of the Request for Federal Action is included in the Administrative Record for this Site.

On April 22, 2004, OSC Benson and START implemented a statistically-based grid sampling plan for surface soils both inside and exterior to the structure. The main objective of this event was to obtain an analytical data set meeting U.S. EPA Quality System guidelines that is representative of current Site conditions and that could be utilized to estimate the horizontal extent of heavy metals contamination and possible soil excavation needs. A total of fifteen samples were collected and submitted for U.S. EPA approved analysis of heavy metals. "Figure 5 and Table 3" in Appendix 2 illustrates the April 22<sup>nd</sup> sample locations and summary analytical findings for the key analytes of concern.

#### **4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant**

EPA documented hazardous waste on-site with elevated concentrations of heavy metals and liquid corrosive wastes. Analytical data indicate metals concentrations in plating waste in excess of California Total Threshold Limit Concentrations ("TTLC") values; maximum concentrations recorded were 179,000 mg/kg chromium, 60,000 mg/kg copper, 8,120 mg/kg lead, and 87,700 mg/kg nickel. Sample NP-55 exceeded the Resource Conservation and Recovery Act ("RCRA") Toxicity Characteristic Leaching Procedure ("TCLP") waste threshold of 5 mg/L chromium at a concentration of 879 mg/L. Liquid waste samples NP-31 and NP-35 exhibit the RCRA hazardous waste characteristic of corrosivity under 40 CFR 261.22.

Soil samples were compared to U.S. EPA Region IX 2002 Residential Preliminary Remediation Goals ("PRGs") for heavy metals. Soil contaminated with chromium was found in excess of the PRG value in soils in the southern boundary of the front yard. Lead concentrations exceeded the PRG in the front yard, polishing area, and in the hazardous materials storage area.

Chromium, nickel, copper, lead and corrosive wastes are hazardous substances as defined by Section 101(14) of CERCLA. Other hazardous substances or pollutants and contaminants not discovered to date or not specifically identified herein may exist at the Site. These substances may also pose a threat to human health and the environment.

There is limited security at the Site. The potential for fire, vandalism and continuing deterioration of containers at the unmanaged Site may result in the combustion, physical exposure or commingling of incompatible hazardous substances and a harm to the public health or welfare or the environment. Considering the proximity of nearby residences, businesses and public highways, the Site represents a significant threat of release affecting nearby populations.

#### **5. National Priorities List ("NPL") status**

The Site is not currently on or proposed for inclusion on the NPL. The Navarro Property Site was entered into the CERCLIS database when discovered on October 25, 2000.

#### **B. Other Actions to Date**

In April 1989, August 1989, and September 1990, the County of Los Angeles Department of Health Services issued D&M Polishing and Plating a Notice of Violation with Order to Comply for improper storage, labeling, and disposal of hazardous substances (metal hydroxide sludge, chromium plating solutions, copper cyanide, sodium metabisulfate). According to a draft Preliminary Assessment Report prepared by DTSC, the Site owners pled guilty to violations of the California Health and Safety

Code in 1991 and were ordered to remove and dispose of all hazardous waste by March 1992. Mr. Aldama informed OSC Benson that he was unaware of this information and any previous requirement to remove hazardous materials/wastes from the Site.

### **C. State and Local Authorities' Roles**

#### **1. State and local actions to date**

As part of a DTSC Preliminary Assessment, a Site reconnaissance was performed in December 2003. This was followed by a February 2004 DTSC reconnaissance with X-Ray Fluorescence ("XRF") field screening of Site surface soil and solid plating waste for heavy metals. These draft Preliminary Assessment findings compiled by DTSC Project Manager Stephen Cutts led to the initial intervention of State Emergency Response Staff. Mr. Cutts will continue with the pre-remedial processes and the conclusion of time-critical actions at the Navarro Property.

DTSC has represented that State authorities do not have the necessary resources to conduct required response actions at this time. On April 15, 2004, U.S. EPA received a Request for Federal Action from DTSC to complete removal activities at this Site. U.S. EPA is coordinating with the current property owner concerning necessary response actions.

Representatives from State and local response organizations may be requested to assist and coordinate with the OSC in various tasks including planning and community relations.

### **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

Conditions at the Site represent a release, and potential threat of release, of a CERCLA hazardous substance threatening to public health, or welfare, or the environment based on the factors set forth in the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR § 300.415(b)(2). These factors include:

#### **1. Actual or potential exposure to nearby populations, animals or the food chain from hazardous substances or pollutants or contaminants**

This factor is present at the Site due to the presence of heavy metal contamination, including chromium and lead, throughout unsecured wastes deposited in the facility and in Site soils and building materials. Corrosive waste plating solutions in open and degraded vats are also documented.

Lead is a heavy metal that bio-accumulates in human tissues. Short-term

exposure to large amounts of lead can cause harmful effects on the nervous system, gastrointestinal system, kidneys, and circulatory system. Long-term exposure to low levels, such as those that occur in the work place, can cause damage to the central nervous system, kidneys, blood, gastrointestinal tract, and gingival tissues.

Chromium is an ecotoxic heavy metal that is an inhalation, ingestion, and dermal exposure risk. Chromium bioaccumulates and targets the liver, kidneys, reproductive organs, circulatory system, and gastrointestinal system. Acute exposure to chromium can cause harmful effects to the gastrointestinal system. Chronic exposure can cause harmful effects to the skin, lungs, mucous membranes, and possibly cancer.

The corrosive nature of the acidic solutions present a direct contact and inhalation threat that could cause severe burns of the skins and lung tissue. Other hazardous substances or pollutants and contaminants not discovered to date or not specifically identified herein may exist at the Site. These substances may also pose a threat to human health and the environment.

The Site is located in a populated residential area in the City of Los Angeles. Although the property is fenced, pedestrian access is readily available. EPA visually observed evidence of people using the storage room as a residence. The facility remains a human health risk to any vandals or trespassers, including young children, who might enter the premises. Inhalation or ingestion of the hazardous substances at the Site poses a health threat to these individuals. These individuals may also serve as a pathway for off-site migration of the contamination as they may carry contamination off-site on their clothing or through looting activities.

**2. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.**

A rough inventory of containers includes over 40 various sized drums and vats. Three plating vats marked "Nickel," "Chrome" and "Copper" were also observed. Nearly all the containers are in very poor condition; many of the steel containers were rusted out. A majority of the drums were without lids and appeared to contain degraded floor material and/or plating waste solids. A clarifier, observed to be full on April 13, 2004, was also present north of the plating area.

A complete inventory of bulk and non-bulk containers and their contents will only be possible during removal actions activities with the necessary health and safety program elements.

**3. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate**



This factor is present at the facility due to the documented presence of high concentrations of chromium, lead, nickel and copper in several areas of the Site (see Appendix 2). The Site can be divided into the following surface areas:

- *Area of highest concern:* 30 by 30 foot plating area in the southeast corner, heavy floor deterioration, piles of obvious (blue, green, yellow stained) plating waste.
- *Area of moderate subsurface concern:* 18 by 60 foot "middle area" in between the plating and polishing areas, very poor/degraded concrete, exposed soil and the majority of drums stored in the southern portion.
- *Area of suspect subsurface contamination:* 18 by 30 foot area between the office area and plating area, contains the clarifier and hazardous materials storage area, paved with concrete in fair to poor condition.
- *Area of lower concern and/or exposure:* 22 by 60 foot polishing area on the west, relatively new concrete.
- *Area of lowest concern:* 12 by 17 foot office space in the northeast corner.
- *Unknown:* Front lot paved and unpaved areas.

**4. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released**

The facility roof consisted of wood slats which have deteriorated to allow observation of sunlight through the roof in some areas. Contaminated building constituents and heavy metal laden wastes are likely to be released to the environment via surface water runoff during storm events or other disturbances on-site. Further, weathering of structural debris by wind, sun and rain will cause the deterioration of remaining building material and will result in an ongoing release of any hazardous substances located within those materials.

**5. Threat of fire or explosion**

This factor exists at the facility due to the presence of containers of oxidizing wastes as determined through field screening efforts. The Site is not fully secure, and trespass and vandalism of the drums and containers could result in a catastrophic release if the chemicals are allowed to mix and react together.

**6. Availability of other appropriate Federal or State response mechanisms to respond to the release**

The DTSC asserts that it does not have resources to conduct the removal at the Site. On April 15, 2004, U.S. EPA received a Request for Federal Action from DTSC to complete removal activities at this Site. No other appropriate local or State public funding source has been identified.

#### **IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

#### **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

##### **A. Proposed Actions**

##### **1. Proposed action description**

U.S. EPA proposes to fully characterize, segregate, re-containerize and remove for disposal all abandoned chemical and hazardous materials left on the Site. U.S. EPA further proposes to continue the evaluation of contaminated soils, asphalt, concrete and structures associated with the former plating and polishing operations and remove for disposal, as necessary, all exposed materials posing an imminent threat of endangerment.

On receipt of the delivery order and prior to mobilization the contractors will develop a Site Health and Safety Plan ("HASP"). This plan should be clear and concise and state the precautions and procedure to be followed throughout the course of this removal action. The HASP will be in conformance with OSHA 1910.120. Additionally, and also prior to mobilization the contractors will begin procurement efforts to initiate Site operations, including support zone services.

##### **2. Contribution to remedial performance**

All time-critical removal activities undertaken in this action will be considered and incorporated into the final CERCLA Preliminary Assessment being conducted by the DTSC for the Navarro Property.

##### **The long-term cleanup plan for the Site:**

It is expected that this removal action will eliminate any threat of direct or indirect contact of hazardous substances at the Site. There is no known groundwater contamination at the Site. U.S. EPA considers it unlikely that significant groundwater contamination exists from the Site.

##### **Threats that will require attention prior to the start of a long-term cleanup:**

There is no long-term cleanup planned for this Site.

The extent to which the removal will ensure that threats are adequately abated:

The removal of abandoned, above ground hazardous substances and contaminated soils is expected to abate the threats from the Site.

Consistency with the long-term remedy:

As stated above, the time-critical removal activities undertaken in this action will be considered and incorporated into the final CERCLA Preliminary Assessment being conducted by the DTSC for the Navarro Property.

### **3. Description of alternative technologies**

Alternative technologies are not considered for the proposed response action.

### **4. Applicable or relevant and appropriate requirements (ARARs)**

Section 300.415(j) of the NCP provides that removal actions must attain ARARs to the extent practicable, considering the exigencies of the situation.

Section 300.5 of the NCP defines applicable requirements as cleanup standards, standards of control, and other substantive environmental protection requirements, criteria or limitations promulgated under Federal environmental or State environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location or other circumstances at a CERCLA site.

Section 300.5 of the NCP defines relevant and appropriate requirements as cleanup standards, standards of control and other substantive requirements, criteria, or limitations promulgated under Federal environmental or State environmental or facility siting laws that, while not "applicable" to a hazardous substance, pollutant, or contaminant, remedial action, location, or other circumstances at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site and are well-suited to the particular Site.

Because CERCLA on-site response actions do not require permitting, only substantive requirements are considered as possible ARARs. Administrative requirements such as approval of, or consultation with administrative bodies, issuance of permits, documentation, reporting, record keeping, and enforcement are not ARARs for the CERCLA response actions confined to the Site.

The following ARARs have been identified for the proposed response action. All can be attained.

Federal ARARs: Potential Federal ARARs are the RCRA Land Disposal Restrictions, 40 CFR § 268.40 Subpart D; the CERCLA Off-Site Disposal Rule OSWER Directive 9347.3-8FS; and the U.S. Department of Transportation of Hazardous Materials Regulations 49 CFR Part 171, 172 and 173.

State ARARs: Potential State ARARs are Characteristics of Hazardous Waste implemented through the California Health and Safety Code, Title 22, § 66261.20, § 66261.21, § 66261.22, § 66261.23, § 66261.24.

## **5. Project schedule**

The removal action is scheduled to start within two weeks of the approval of the action as indicated by the signature on this memorandum. It is estimated that the removal action will not exceed one week.

## **B. Estimated Costs**

### Regional Removal Allowance Costs

Cleanup Contractor	\$ 59,172
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### Extramural Costs Not Funded from the Regional Allowance

START Contractor	\$ 30,000
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Extramural Subtotal	\$ 89,172
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Extramural Contingency (20%)	<u>\$ 17,834</u>
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TOTAL, Removal Action Project Ceiling	\$ 107,006
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## **VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Given the Site conditions, the nature of the hazardous substances documented on-site, and the potential exposure pathways to nearby populations described in Sections III and IV above, actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

## **VII. OUTSTANDING POLICY ISSUES**

There are no outstanding policy issues with the Site identified at this time.

## VIII. ENFORCEMENT

Please see the attached Confidential Enforcement Addendum for a discussion regarding potentially responsible parties. In addition to the extramural costs estimated for the proposed action, a cost recovery enforcement action also may recover the following intramural costs:

### Intramural Costs<sup>1</sup>

U.S. EPA Direct Costs	\$ 5,000
U.S. EPA Indirect Costs (35.28%)	\$ <u>39,515</u>
TOTAL Intramural Costs	\$ 44,515

The total U.S. EPA extramural and intramural costs for this removal action, based on full-cost accounting practices, that will be eligible for cost recovery are estimated to be \$151,521.

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1. Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgement interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

## IX. RECOMMENDATION

This decision document represents the selected removal action for the Navarro Property Site, 1256 East 57<sup>th</sup> Street in the City and County of Los Angeles, California [90011], as developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Because conditions at the Site meet the NCP criteria for a time-critical removal, I recommend that you concur on the removal action proposed in this Action Memorandum. The total project ceiling if approved will be \$ 151,521, of which an estimated \$ 59,172 comes from the Regional removal allowance. You may indicate your decision by signing below.

Approve: *Daniel A Meer* 20 May 2004  
Daniel Meer, Chief Date  
Response, Planning and Assessment Branch

Disapprove: \_\_\_\_\_  
Daniel Meer, Chief Date  
Response, Planning and Assessment Branch

### Enforcement Addendum

### Attachments

1. Index to the Administrative Record

### Appendices

1. "Figure 2": Facility Layout, Navarro Property Removal Assessment  
"Figure 3": Site Building Detail, Navarro Property Removal Assessment
2. "Figure 4": Sample Locations - April 13, 2004  
"Table 2": Analytical Results Summary Table - April 13, 2004  
  
"Figure 5": Sample Locations - April 22, 2004  
"Table 3": Analytical Results Summary Table - April 22, 2004

cc: Lisa Boyton, USEPA, OERR, HQ  
Director, California Department of Toxic Substances Control  
Department of the Interior

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bcc: Site File  
John Jaros, SFD-9-2  
Elizabeth Cox, ORC-3  
Celeste Temple, SFD-9-2

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Attachment 1  
Administrative Record Index

- Request for Removal Action, submitted by DTSC on April 15, 2004.
- Navarro Property Removal Report, Ecology and Environment, Inc., dated April 29, 2004.

This report contains all analytical data summaries and reports, EPA approved sampling plans and information on U.S. EPA's removal assessment.

- Draft Preliminary Assessment Report, prepared by Stephen Cutts, DTSC, undated.



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## Appendix 1

"Figure 2": Facility Layout, Navarro Property Removal Assessment

"Figure 3": Site Building Detail, Navarro Property Removal Assessment

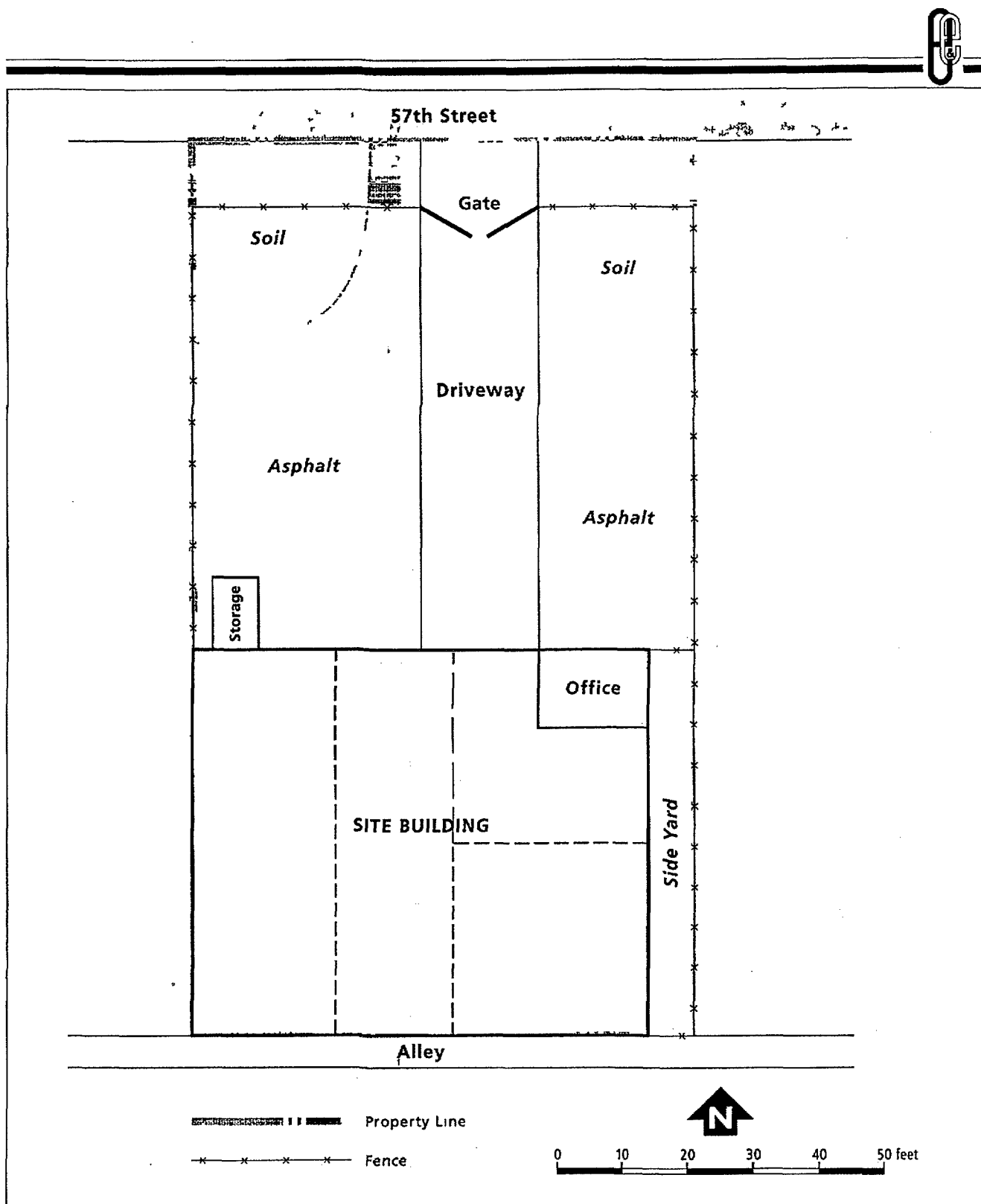


Figure 2  
**Facility Layout**  
**Navarro Property**  
 Los Angeles, California

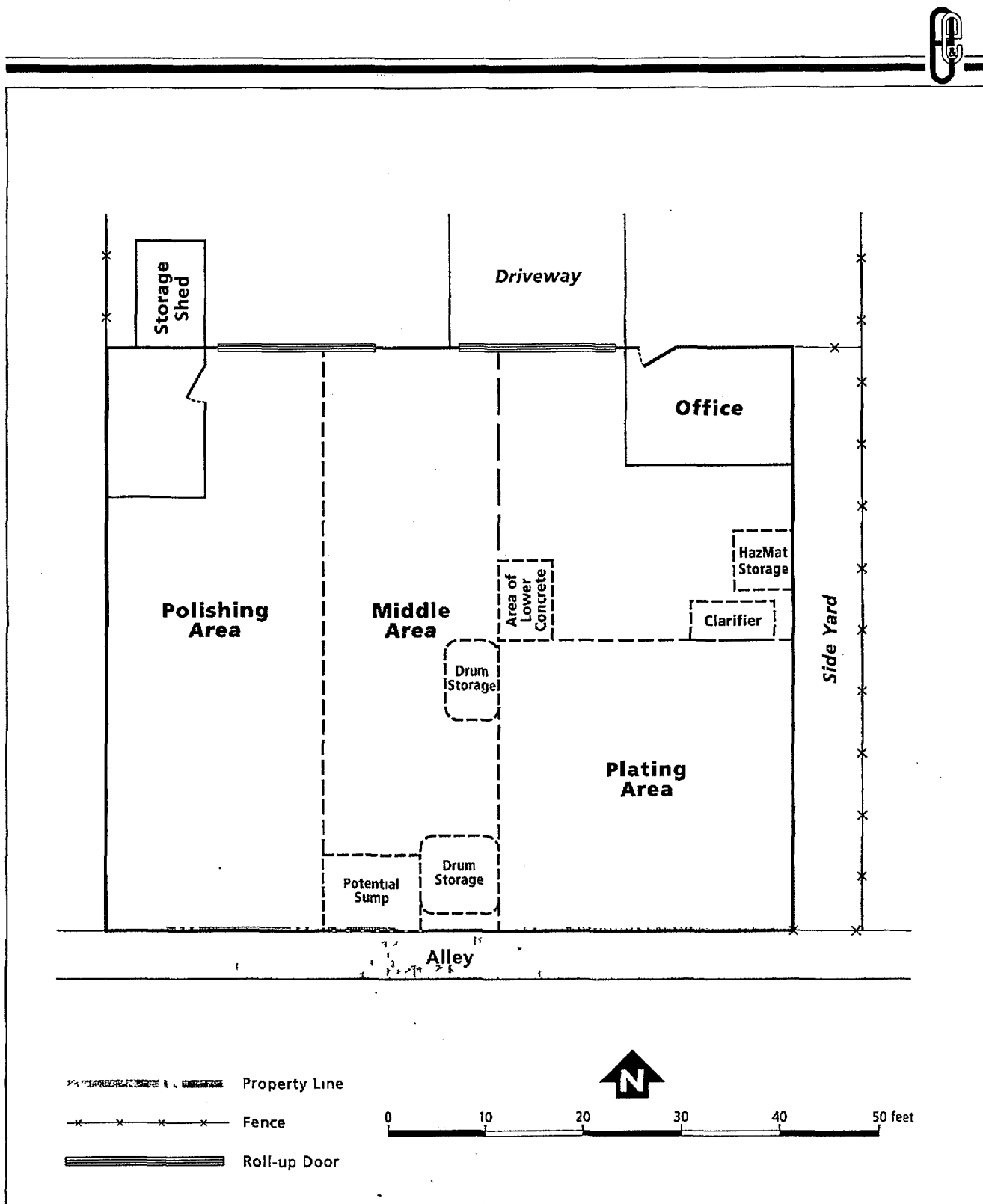


Figure 3  
**Site Building Detail**  
**Navarro Property**  
 Los Angeles, California

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## Appendix 2

"Figure 4": Sample Locations - April 13, 2004

"Table 2": Analytical Results Summary Table - April 13, 2004

"Figure 5": Sample Locations - April 22, 2004

"Table 3": Analytical Results Summary Table - April 22, 2004

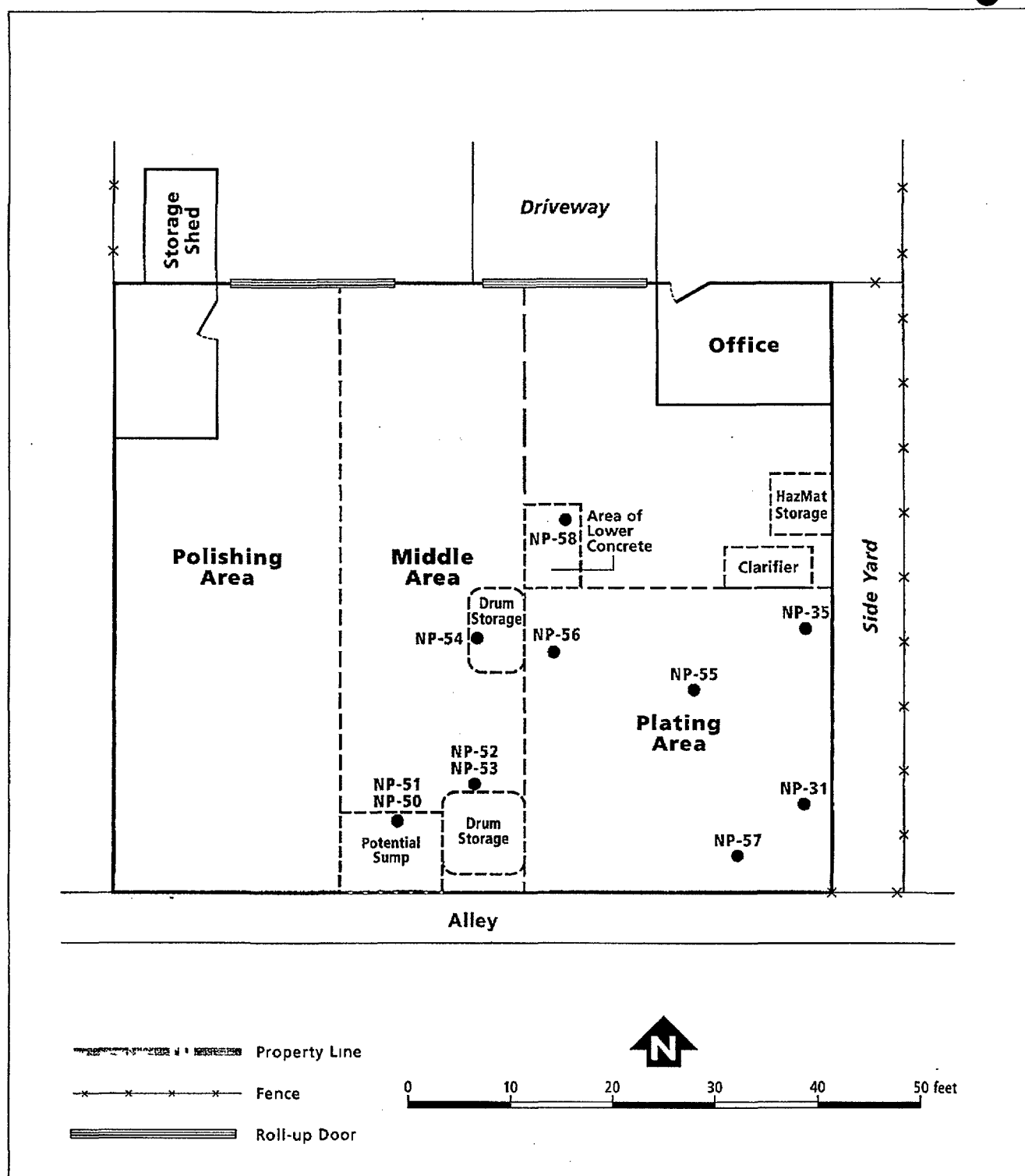


Figure 4  
**Sample Locations – April 13, 2004**  
**Navarro Property**  
Los Angeles, California

**Table 2: Unvalidated Analytical Results for Chromium, Copper, Lead and Nickel  
Samples Collected on April 13, 2004, Concentrations in milligrams per kilogram  
Navarro Property, Los Angeles, California**

Sample ID	Location	Media	Chromium	Copper	Lead	Nickel
NP-51	near potential sump, surface	soil	70.6	328	563	130
NP-50 8-12"	near potential sump, 8-12"	soil	42.8	233	141	105
NP-53	near drum storage area, surface	soil	204	654	368	174
NP-52 8-12"	near drum storage area, 8-12"	soil	33.1	72.6	5.82 J	45.5
NP-60 8-12"	duplicate of NP-52	soil	36.3	68.9	7.09 J	47.6
<b>Res PRGs</b>			210	3,100	400	1,600*
Sample ID	Location	Media	Chromium	Copper	Lead	Nickel
NP-31	2x4x6 vat #31 pH = 1.73	liquid product	153	512	2.92	11,900
NP-35	drum 35 pH = 1.43	liquid product	138	2,900	3.9 J	15,700
NP-54	from drum #20	plating waste	31,300	33,300	4700	61,900
NP-55	near nickel vat	plating waste	179,000	60,000	2,500	87,700
NP-56	NW corner of plating area	plating waste	43,200	24,400	8,120	70,300
NP-57	near copper vat	plating waste	596	35,700	678	2,780
NP-58	material S of office area	plating waste	8,640	5,380	2,360	8,450
<b>TTLc</b>			2,500	2,500	1,000	2,000
* = Nickel soluble salts J = Estimated quantity Res PRG = USEPA Region IX 2002 Residential Preliminary Remediation Goals TTLc = Total Threshold Limit Concentration Concentrations in <b>BOLD</b> exceed action levels						
TDD No: 09-04-04-0006				Ecology and Environment, Inc.		

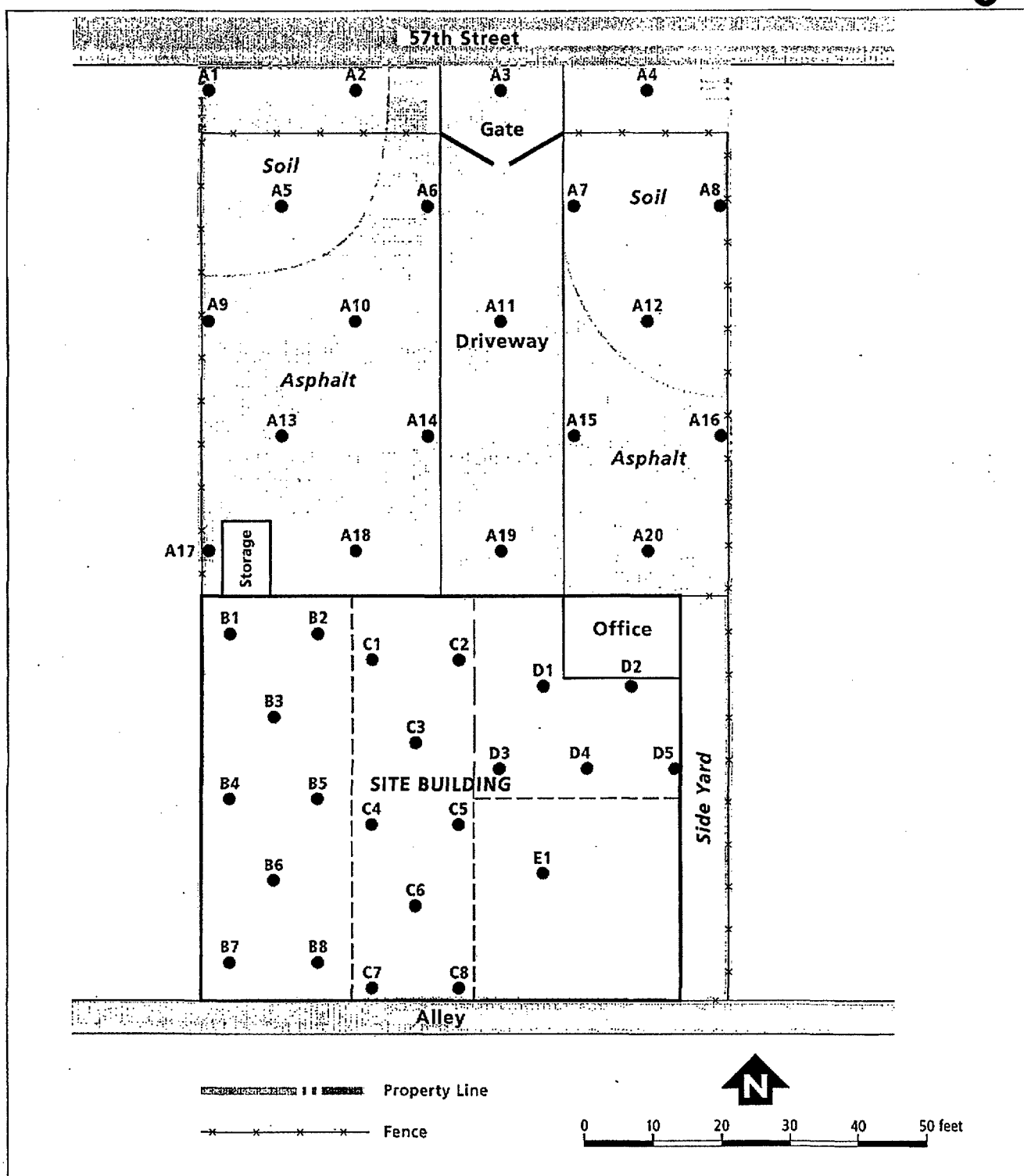


Figure 5  
**Sample Locations – April 22, 2004**  
**Navarro Property**  
Los Angeles, California

**Table 3: Unvalidated Results for Chromium, Copper, Iron, Lead and Nickel  
Samples Collected April 22, 2004, Concentrations in milligrams per kilogram  
Navarro Property, Los Angeles, California**

Analyte	Res PRGs	Front Yard						Plating Area	
		A-1-4	A-5-8	A-9-12	A-13-16	A-17-20	A-21-24*	E-1	
Chromium	210 <sup>2</sup>	185	154	392	359	231	335	33.5	
Copper	3,100	503	1,510	621	981	1,450	1,160	77.2	
Iron	23,000	18,800	18,600	17,700	19,700	21,700	18,700	18,900	
Lead	400	619	363	506	996	1,330	637	81.9	
Nickel	1,600 <sup>3</sup>	216	305	188	483	380	556	1,910	

Analyte	Res PRGs	Polishing Area			Middle Area			HazMat Area	
		B-1-2	B-3-5	B-6-8	C-1-2	C-3-5	C-6-8	D-1-2	D-3-5
Chromium	210 <sup>2</sup>	32.2	53.9	98.2	23.9	107	34.2	31.7	160
Copper	3,100	100	1,180	321	151	645	69.3	303	673
Iron	23,000	15,400	42,500	39,800	21,700	20,100	17,600	33,200	42,200
Lead	400	802	1,330	2,740	303	165	234	491	336
Nickel	1,600 <sup>3</sup>	11.5	146	52.1	31.4	100	29.1	154	206

\*A-21-24 is a duplicate of A-13-16.

Lead and iron contamination were detected in small concentrations in the laboratory blank.

2. Total Chromium (1:6 ratio Cr VI:Cr III)

3. Nickel - Soluble Salts

Res PRG - USEPA Region IX 2002 Preliminary Remediation Goals

Concentrations in **BOLD** exceed site action levels

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